

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 7401

BILL NUMBER: HB 1396

DATE PREPARED: Jan 4, 2001

BILL AMENDED:

SUBJECT: Mammogram Records.

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FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill requires a health care provider to maintain a patient's original mammogram films and reports for a maximum of 10 years. The bill requires a provider, upon request, to provide the original mammogram films and copies of reports concerning the mammogram films to the patient or certain other providers specified by the patient. The bill provides that a provider is immune from civil liability for destroying or otherwise failing to maintain original mammogram films or reports if the failure to do so is inadvertent and not done in bad faith. It also requires the State Department of Health to promptly notify providers of changes in federal regulations regarding the maintenance and storage of x-ray film taken as a supplemental medical diagnostic tool to mammography.

Effective Date: July 1, 2001.

Explanation of State Expenditures: The State Department of Health is required to promptly notify providers regarding new federal regulations for the maintenance and storage of x-ray film taken as a supplemental diagnostic tool to mammography. This function should be within the parameters of the Department's administrative operating procedures and capable of being absorbed within the current operating budget.

Explanation of State Revenues:

Explanation of Local Expenditures: This bill brings the state statutory language into compliance with the federal regulations that implement the Mammography Quality Standards Act. County-owned hospitals with mammography capability may be affected by the storage requirements of the regulations. The federal regulations extend the period of time that a health care provider must store and maintain original mammogram films and reports from five years to ten years if the provider performs no subsequent mammograms of the patient. If the provider has performed a subsequent mammogram on the patient, the oldest mammogram films must be maintained for no less than five years.

Explanation of Local Revenues:

State Agencies Affected: State Department of Health.

Local Agencies Affected: County Hospitals with Mammography capability.

Information Sources: American College of Radiology, "Ownership, Retention. And Patient Access to Medical Records" Revised April 1999 at: http://www.acr.org/departments/legal/legal/medical_records.html. Also, Mammography Quality Standards Act regulations.